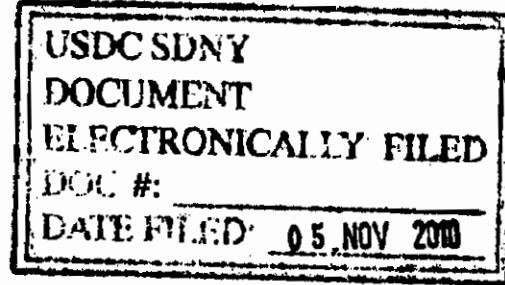


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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ANGELO GRACE,

Petitioner,

-v-

No. 09 Civ. 7943 (LTS)(KNF)

ATTORNEY GENERAL OF NEW YORK STATE,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pro se Petitioner Angelo Grace (“Petitioner”) brought this action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254, challenging his conviction for second-degree felony murder. On October 18, 2010, Magistrate Judge Kevin Nathaniel Fox issued a Report and Recommendation (“Report”), recommending that the petition be denied for failure to satisfy the burden imposed by the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”). On November 4, 2010, the Court received Petitioner’s undated objections to the Report.

In reviewing a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.A. § 636(b)(1)(c) (West 2008). The court must make a de novo determination to the extent that a party makes specific objections to a magistrate’s findings. United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997). However, to the extent that the party makes only conclusory or general objections, or simply reiterates the original arguments, the Court will review the Report strictly for clear error. See Pearson-Fraser v. Bell Atl., No. 01 Civ. 2343 (WK), 2003 WL 43367, at \*1 (S.D.N.Y. Jan. 6, 2003); Camardo v. Gen. Motors Hourly-Rate Employees Pension Plan, 806 F.

Supp. 380, 382 (W.D.N.Y. 1992). Similarly, “objections that are merely perfunctory responses argued in an attempt to engage the district court in a rehashing of the same arguments set forth in the original [papers] will not suffice to invoke de novo review.” Vega v. Artuz, No. 97 Civ. 3775, 2002 WL 31174466, at \*1 (S.D.N.Y. Sept. 30, 2002). Objections to a Report must be specific and clearly aimed at particular findings in the magistrate judge’s proposal. Camardo, 806 F. Supp. at 381-82.

Petitioner’s letter does not make specific objections to the analysis contained in Judge Fox’s Report. The Court has reviewed thoroughly Judge Fox’s Report and finds no clear error in his recommendation. Accordingly, the Court accepts the Report. The petition is hereby denied. Because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c). In addition, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962).

The Clerk of Court is respectfully requested to enter judgment accordingly and close this case.

SO ORDERED.

Dated: New York, New York  
November 5, 2010



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LAURA TAYLOR SWAIN  
United States District Judge